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Forty-seventh session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1227th MEETING

Held at Headquarters, New York,
on Monday, 5 April 1993, at 5.30 p.m.

Chairman: Mr. ANDO

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1227.

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The meeting was called to order at 5.30 p.m.

CONSIDERATION OF COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE COVENANT (continued)

1. Mr. FODOR, speaking as Special Rapporteur on Follow-up, introduced the progress report on the follow-up to the views of the Committee as at the beginning of the current session on 22 March 1993. The report contained all the information provided to the Centre for Human Rights and to special rapporteurs by States parties, authors, counsels and third parties on follow-up to and non-compliance with those views. As at 22 March 1993, the Committee had found violations of provisions of the Covenant in 109 cases, involving 20 States parties. In 33 instances, no information had been received from States parties on follow-up action; 13 States parties, which he listed, had failed to cooperate with the Committee.

2. Follow-up information had been provided concerning 71 views of the Committee, although in one case, no specific information had been requested from the State party. However, the replies received could be considered satisfactory in only 26 cases. In 4 cases, the State party had explicitly rejected the Committee's views, while unsatisfactory replies had been received in 41 cases. In some cases, the State party had either failed to address the Committee's recommendations specifically or to cover all the issues raised. In others, further information obtained from authors or third parties might require the Committee to react to the reply of the State party. It would be useful if the new Working Group could investigate those cases and, where necessary, make recommendations to the Committee. Information had been received from authors and counsels in 24 cases, consisting mainly of failure to act on the Committee's views. Information had been received from third parties in 11 cases. In conclusion, he said that some moderate progress had been made concerning the follow-up situation. However, the Committee should make further efforts to convince States parties that more effective follow-up action and cooperation was required.

3. Mrs. HIGGINS agreed that the Committee should decide on the action to be taken concerning the large percentage of unsatisfactory cases. It should also decide what to do with the information it now had, which she strongly felt should be made public. The single most useful contribution which the Committee could make to the World Conference on Human Rights would be to put the facts concerning States parties before the world community, including the press and non-governmental organizations. The response, or lack of it, which the Committee received from States parties should be made public.

4. Mr. MAVROMMATIS said that a few cases where information or cooperation was not forthcoming should be selected for the next Working Group to investigate and decide on the action to be taken, depending on the merits of each individual case. He also agreed with the idea of publicizing the follow-up situation.

5. Mr. LALLAH said that the Secretariat could have some input by providing information on cases with a view to enabling the Working Group to make recommendations to the Committee. He agreed that the identity of both compliant and non-compliant States parties should be made public, either through a special decision of the Committee or as part of the annual report.

6. Mr. NDIAYE agreed with the proposal to publicize the response of certain States parties, but wondered whether the Working Group would be able to take on the extra task.

7. Mrs. CHANET agreed that publicizing the response of certain States parties would be a step forward. However, each case should be taken individually and extensive checks should be carried out before embarking on any publicity measures. It would be useful if the Working Group could select cases to be brought before the Committee with a view to publicizing the identity of States parties that had failed to comply with the Optional Protocol.

8. Mr. POCAR agreed that information should be given to the Working Group to enable it to make recommendations. Information concerning States parties would best be publicized in the annual report, rather than in an independent form. However, any information released before a complete evaluation had been made should refer only to the non-cooperation of a State party which had failed to reply to the Committee, not to its non-compliance. Unsatisfactory replies required thorough evaluation, as he had been unable to determine on reading certain replies whether they were unsatisfactory or not. Nevertheless, he was in favour of quickly releasing information on States parties which had failed to cooperate with the Committee.

9. Mr. AGUILAR said that, while he agreed that information concerning States parties should be publicized in the annual report, the Committee should not provide too much detail about a State's failure to cooperate. States that had been requested to submit additional information should also be mentioned in the report.

10. Mr. NDIAYE said that the Committee should publicize the identity of States parties that had not complied with the Committee's requests or comments. Such information should be made public only in the annual report, however.

11. Mr. PRADO VALLEJO said that, while he supported the proposal to publicize the identity of non-compliant States parties in the Committee's annual report, he believed that the Special Rapporteur should prepare a more comprehensive special report that examined each case individually. Such a report should also be publicized and sent to States parties. Non-compliant States parties should be given a specific time-limit within which to comply with the Committee's requests and comments.

12. Mr. HERNDL agreed that the Committee should take a decision in principle to indicate, in its annual report, the extent to which States parties had complied with its requests. States that had not yet responded to the Committee's requests and comments should be given fair warning that, if they did not reply within a given time-limit, the Committee would make their identity public. It was up to the Committee to take the final decision on the Working Group's proposal, and he wondered whether that could be done before the next annual

(Mr. Herndl)

report was drafted. He hoped that the Committee would be able to inform the international community, through the World Conference on Human Rights, about what it had done, or planned to do, in order to implement its findings under the Optional Protocol.

13. Mrs. HIGGINS said that, while she understood the position of some members of the Committee that States parties should be given a final warning, she feared that the Committee would be unable to make its contribution to the World Conference on Human Rights. The Committee should consider how to address the issue, and the Working Group should prepare a paper on the matter.

14. The Committee was so far behind in its consideration of communications under the Optional Protocol that it would be difficult to deal with any new communications at its next session. Perhaps the Committee should indicate that it would accept only three or four new communications that were considered to be extremely urgent.

15. Mr. MAVROMMATIS inquired whether the summary records of the Human Rights Committee could be made public. He agreed with Mrs. Higgins that the next Working Group should take up only a few new communications that were very urgent.

16. Mr. HERNDL said that the Committee should request that the Working Group or the Committee itself be given additional time to deal with the backlog of communications. Perhaps the Economic and Social Council could make the necessary financial arrangements to enable at least the Working Group to examine all outstanding communications.

17. The CHAIRMAN suggested that the Committee should continue its consideration of the various proposals at its next meeting, when it would discuss action taken by the General Assembly at its forty-seventh session, and the World Conference on Human Rights.

18. It was so decided.

The meeting rose at 6.05 p.m.